

JUN 29 2007

USSN 10/773,176
Art unit 1712
Examiner Metzmaier**REMARKS/ARGUMENTS****Claim amendments**

Due to the withdrawal of the indication of allowability, claim 1 is re-written to specify a solvent that is at least one of a ketone that is water and oil soluble and a cyclic ether that is water and oil soluble, claims 2-6, previously cancelled, have been reintroduced as claims 30-34 and claims 8 and 9 are cancelled and re-introduced as claims 35-36.

Claims 1, 8-10, 14, and 16-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse this rejection.

Claims 1 and 14 are amended to specify that the aqueous acid is present in the specified amount, rather than the acid component, as indicated in the specification.

Claims 1, 8-14, and 16-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection. Claims 1 and 14 are amended to specify that the aqueous acid is present in the specified amount, rather than the acid component. The examiner is correct in that the acid component itself may be present in a wider range (as limited by the presence of other components). The simple fact that a component of a claim is present within a range does not make the claim indefinite. Claim 8 is cancelled and re-written as claim 35, specifying the aqueous acid, and claim 16 is amended to specify the aqueous acid.

Claims 1 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watkins, US 4,737,296. Applicants respectfully traverse this rejection.


The amendment of claims basically turns back the state of the case to immediately after the official action of November 15, 2006, in which claims 1-4, 6 and 8-13 were rejected as being unpatentable over Watkins.

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The composition of Watkins is a foamed acid-containing fluid, which includes both foaming agents and emulsifying agents (col. 9, lines 24-29 and elsewhere) as well as gas added with agitation to create a foam. Claim 1 has been amended to specify that the composition consists essentially of the specified components, thus excluding foams and emulsifying agents. Clearly, Watkins does not teach that a suitable acidizing mixture may be obtained without the use of foaming agents and emulsifying agents. The specific composition claimed provides a beneficial acidizing mixture, as shown by the examples, without requiring a foamed mixture. Accordingly, claims 1, 10 and 30-36 are submitted to be patentable.

Claims 14 and 16-17 are rewritten to overcome the rejection(s) under 35 U.S.C. 112 and are therefore believed to be allowable.

Reconsideration and withdrawal of the rejections, and allowance of the claims, is respectfully requested. Respectfully submitted, and certified as being faxed to the USPTO on June 29/07.



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